

**STATE OF RHODE ISLAND
EDUCATION**

**19-109P
COMMISSIONER OF**

In Re RESIDENCY OF J. and A. DOE

Decision

Held: Children who continued to reside full-time with their grandparents in Cranston after their mother moved from their grandparents' home to a house she purchased in Providence remain residents of Cranston for school enrollment purposes

Date: April 16, 2020

Introduction

This matter concerns a request for a residency determination.¹

Background

J. Doe and A. Doe attend elementary school and middle school in Cranston. Their enrollment address for their entire school attendance has been the four-bedroom house of their maternal grandparents in Cranston, where they have resided all their lives. Until June 2019, their mother lived with them.

J. and A.'s mother is a single parent. She works long hours during the week and occasionally works on Saturday. Her daily schedule varies in hours and locations from week to week.

In June 2019, J. and A.'s mother moved to a two-family house she purchased in Providence. Her mortgage for the house requires that she live there. She lives by herself in the downstairs unit and rents the upstairs unit. Her children have never lived there.

J. and A.'s mother testified that her job deprives her of the ability to support and supervise her children and give them the stable home life that her mother gave her. She cannot afford child care and, since her move to Providence, is more dependent on her mother to care for the children. J. and A.'s grandmother testified that she has raised the children in a safe and secure environment, noting that A.'s father has threatened to abduct the child.

Positions of the Parties

J. and A.'s mother contends that her mother is acting *in loco parentis* to the children. J. and A. Doe physically reside with their grandparents in Cranston for a substantial reason other than to attend school there. There are care and stability issues because of their mother's work schedule, and a security issue with regard to A.'s father. The nurturing and protection that the children receive in their grandparents' home in Cranston is more than just "child care."

Citing previous Commissioner's decisions,² the Cranston School Department argues

¹ A hearing in this matter was held on February 12, 2020.

² *Jessica M. v. Barrington School Committee*, 0121-90, November 1, 1990; *In Re Residency of M.R. Doe and M.R. Doe v. Central Falls*, 008-16, February 19, 2016; and *S. Doe v. Tiverton School Department*, 006-20, January 23, 2020.

that a child-care arrangement necessitated by work is not a substantial reason to shift a child's residency away from the residence of the parent. It further argues that there are no extraordinary circumstances in this case and that J. and A.'s mother has not met her burden of proof to show a valid Cranston residency.

Providence does not take a position on the children's residency but is willing to enroll the children if Providence is found to be the school district of residence.

Discussion

We find this case to be controlled by the Commissioner's decision in *In Re Residency of B. Doe*,³ which considered two of the cases cited by Cranston herein. *B. Doe* concerned a middle-school student whose mother lived in Pawtucket while he lived full-time with his aunt and uncle in Cumberland. B. Doe's father was murdered in 2010. Two years later, he took up residence with his aunt and uncle for safety reasons and enrolled in the Cumberland public schools. In 2015, his mother took a job that required long hours and out-of-state travel. Cumberland eventually challenged B. Doe's enrollment, citing *Jessica M. and M.R. Doe* in support of its argument that his mother's work schedule was an insufficient reason on which to premise residency in Cumberland.

Finding B. Doe's aunt to be his primary caretaker, the Commissioner determined that she was acting *in loco parentis*⁴ to provide him with a stable home life. The Commissioner concluded that

[i]t has been demonstrated on this record that because of her work schedule, Ms. Doe has sent her child to live with her sister and delegated most of her parental responsibilities to her. This is not a "day care arrangement" but rather a situation in which Ms. Doe's sister has functioned *in loco parentis* for a lengthy period of time. The evidence here is persuasive that the reason for Doe's residency in Cumberland is not so that he can attend the district's schools, but so that his aunt can continue to provide the care and stable home life that her sister, Doe's mother, has been unable to provide.⁵

³ 18-047, May 31, 2018.

⁴ "In the place of a parent."

⁵ Decision, p. 5. In *S. Doe v. Tiverton School Department*, a mother and her three children were living with her boyfriend in Warwick. A rift in the relationship occurred and the mother and children moved to her mother's apartment in Tiverton. A week later, the mother and boyfriend reconciled and she and the children returned to the Warwick home. However, because her elementary-school son lost access to his before- and after-school childcare which he needed in light of his mother's work schedule, he had to return to live with his grandmother in Tiverton.

We find this to be the case with J. and A. Doe. They have lived with their grandmother in Cranston for their entire lives. She has, for all intents and purposes, raised them. Following their mother's move to Providence, their grandmother continues to provide the care and stability that their mother, because of her work schedule, was unable to provide in the past and, with her move to Providence, is less able to provide now.

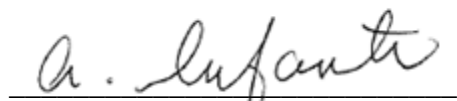
Conclusion

J. and A. Doe remain residents of Cranston for school enrollment purposes.

/s/ Paul P. Pontarelli

Paul E. Pontarelli
Hearing Officer

Approved:



Angélica M. Infante-Green
Commissioner of Education

Date: April 16, 2020

full-time. His grandmother became his caretaker and because this was not a "day care arrangement," we found that he became a resident of Tiverton for school enrollment purposes while his mother searches for child care in Warwick that will allow him to reunite with his family.